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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,878	12/13/2004	Jacques Roussilhe	83524JJH	1757
1333	7590	02/13/2006	EXAMINER	
BETH READ PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			LE, HOA VAN	
			ART UNIT	PAPER NUMBER
			1752	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/517,878	ROUSSILHE ET AL.	
	Examiner	Art Unit	
	Hoa V. Le	1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07 June 2003</u> . | 6) <input type="checkbox"/> Other: ____ |

This application is before the examiner for consideration on the merits.

I. Applicants' prior art submission filed on 07 June 2003 has been considered.

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craver et al (5,948,606) considered in view of Roussilhe et al (5,780,212).

Craver et al disclose, teach and suggest a concentrate and ready-to-use silver halide black-and-white photographic developers comprising a sufficient concentrate amount of potassium hydroquinone monosulfate and a sufficient concentrate amount of 4-hydroxymethyl-4-methyl-1-phenyl-3pyrazolidone and their sufficiently diluted amounts. Please see the whole disclosure of each of the applied references, especially in Craver et al at col.3:32-33, 37-38 and 55-61, 6:4-12 and 7:4-5 and 8.

Craver et al do not specify an amount of a soluble 3-pyrazolidone of the claimed general formula (I) being analogous to that 4-hydroxymethyl-4-methyl-1-phenyl-3pyrazolidone. However, it is known in the art for the use in about 0.0005 to 0.2 mol/l of a compound of the claimed general formula (I) for the advantage of its solubility in both concentrate and read-to use developer in place of about 0.0005 to 0.2 mol/l of 4-hydroxymethyl-4-methyl-1-phenyl-3pyrazolidone in a ready-to-use developer solution..., especially at col.1:37-38, 43-45 and 47-47, 2:67-58, 5:39 to 9:20, and 26-35 and 12:54-56 and claim 6 on col.18:1-2. There is no suggestion of the use of hydroquinone or ascorbic acid in the secondary Roussilhe et al references. There is also no disclosure, teaching or suggestion that there is no possible use of the analogous 1-phenyl-3pyrazolidones in a combination (including the use in a combination a compound of the general formula (I) and 4-hydroxymethyl-4-methyl-1-phenyl-3pyrazolidone) for the same co-developing function in the art. In the absence of a convincing evidence to the contrary, it has reason for one having ordinary skill in the art at the time the invention was made to use the analogous 1-phenyl-3pyrazolidones in a combination (including the use in a combination a compound of the general formula (I) and 4-hydroxymethyl-4-methyl-1-phenyl-3pyrazolidone) for the same co-developing function and with an

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additional advantage of the use of a compound of the claimed general formula (I) for its solubility as disclosed, taught and suggested in Roussilhe et al.

Since the above references are all related to developers, it would have been obvious to one having ordinary skill in the art at the time the invention was made to reasonably use the analogous 1-phenyl-3pyrazolidones in a combination (including the use in a combination a compound of the general formula (I) and 4-hydroxymethyl-4-methyl-1-phenyl-3pyrazolidone) for the same co-developing function and with an additional advantage of the use of a compound of the claimed general formula (I) for its solubility as disclosed, taught and suggested in Roussilhe et al in an absence of a convincing evidence that there should be no use in a combination of the analogous 1-phenyl-3pyrazolidones in a combination (including the use in a combination a compound of the general formula (I) and 4-hydroxymethyl-4-methyl-1-phenyl-3pyrazolidone) being disclosed, taught, suggested and/or reduced to practice in the secondary Roussilhe et al.

III. Wichmann et al (6,350,563) is cited to show the selection of potassium salt of hydroquinonesulfonic acid developer over hydroquinone developer and is cumulative to the above applied Caver et al reference with the use of potassium hydroquinone monosulfate developer. Roussilhe et al (6,083,673) has about the

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same teachings and suggestions with respect to the claimed general formula (I) co-developing function for its solubility and is cumulative to the above applied secondary Roussilhe et al reference.

IV. Claim 4 is objected to because it depends on the rejected independent claim 1 embodiments but would be allowable if rewritten in a proper, complete and independent form.

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday through Thursday and about the same time on most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status

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information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
08 February 2006

HOA VAN LE
PRIMARY EXAMINER

Hoa Van Le